



Senate

General Assembly

File No. 314

January Session, 2013

Substitute Senate Bill No. 910

Senate, April 3, 2013

The Committee on Labor and Public Employees reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING EMPLOYEE ACCESS TO PERSONNEL FILES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-128b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) Each employer shall, [within a reasonable time] not more than
4 five business days after receipt of a written request from an employee,
5 permit such employee to inspect, and if requested, copy his or her
6 personnel file if such a file exists. Such inspection shall take place
7 during regular business hours at a location at or reasonably near the
8 employee's place of employment. Each employer who has personnel
9 files shall be required to keep any personnel file pertaining to a
10 particular employee for at least one year after the termination of such
11 employee's employment.

12 (b) Each employer shall, not more than ten business days after

13 receipt of a written request from a former employee, permit such
14 former employee to inspect, and if requested, copy his or her
15 personnel file if such a file exists, provided the employer receives such
16 written request not later than one year after the termination of such
17 former employee's employment with the employer. Such inspection
18 shall take place during regular business hours at a location at or
19 reasonably near the former employee's former place of employment
20 with the employer.

21 (c) Each employer shall provide an employee with a copy of any
22 documentation of any disciplinary action imposed on that employee
23 not more than one business day after the date of imposing such action.
24 Each employer shall immediately provide an employee with a copy of
25 any documented notice of that employee's termination of employment.

26 Sec. 2. Section 31-128e of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective October 1, 2013*):

28 (a) If, upon inspection of his or her personnel file or medical
29 records, an employee disagrees with any of the information contained
30 in such file or records, removal or correction of such information may
31 be agreed upon by such employee and his or her employer. If such
32 employee and employer cannot agree upon such removal or correction
33 then such employee may submit a written statement explaining his or
34 her position. Such statement shall be maintained as part of such
35 employee's personnel file or medical records and shall accompany any
36 transmittal or disclosure from such file or records made to a third
37 party.

38 (b) Each employer shall include a statement in clear and
39 conspicuous language in any documented disciplinary action, notice of
40 termination of such employee's employment or performance
41 evaluation that the employee may, should the employee disagree with
42 any of the information contained in such statement, submit a written
43 statement explaining his or her position. Such employee statement
44 shall be maintained as part of such employee's personnel file and shall
45 accompany any transmittal or disclosure from such file or records

46 made to a third party.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	31-128b
Sec. 2	<i>October 1, 2013</i>	31-128e

LAB *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes several changes to the way employers must maintain and provide access to an employee's personnel file, has no fiscal impact. The bill, which amends the Personnel Files Act, does not apply to state or municipal employers.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 910*****AN ACT CONCERNING EMPLOYEE ACCESS TO PERSONNEL FILES.*****SUMMARY:**

This bill specifies how quickly an employer must provide a current or former employee with access to his or her personnel file. It also requires employers to (1) provide employees with copies of documentation of any disciplinary action or termination and (2) notify employees that they can include a written statement in their personnel file.

Current law requires employers to let employees inspect their personnel files within a reasonable time after receiving a written request. The bill requires employers to provide this access and allow employees to copy their files within (1) five business days for current employees and (2) 10 business days for former employees. Under the bill, former employees must request their files within one year of their termination from the employer. By law, employers must keep a former employee's records for at least one year.

The bill requires employers to provide an employee with a copy of any documentation of any disciplinary action imposed on that employee within one business day. It also requires employers to immediately provide an employee with a copy of any documented notice of the employee's termination from employment.

Under the bill, whenever an employer documents an employee's disciplinary action, termination notice, or performance evaluation, the employer must include a clear statement that the employee can submit a written disagreement. However, the bill allows the employee to disagree with the statement notifying the employee of his or her right

to submit a written disagreement. It does not allow the employee to submit a written disagreement over the disciplinary action, termination notice, or performance evaluation. The employer must keep the employee's statement in the personnel file and include it whenever the file is transmitted or disclosed to a third party.

EFFECTIVE DATE: October 1, 2013

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 10 Nay 0 (03/19/2013)